IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION No. 1591 OF 2007

Madhukar Mahadeorao Ughade
v.
M.S.R.T.C.

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Dr. A.H.Jamal Advocate for the Petitioner.
Mr.V.G.Wankhede Advocate for Respdt.

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CORAM: A.B. CHAUDHARI, J.
DATED : 10th SEPTEMBER, 2007.

Heard the learned counsel for the rival parties.

2. The courts below have concurrently found that the petitioner was not entitled to back wages though they have confirmed the order of reinstatement of petitioner with continuity of service. Looking to the fact that the courts below have concurrently held that the petitioner is not entitled to back wages because there is absolutely no evidence on record from petitioner's side on the issue of

gainful employment. Dr.Jamal, learned counsel for the petitioner, pointed out that there are pleadings to that effect but he was fair enough to tell the Court that there is no evidence to that effect. Be that as it may, when the petitioner has attempted to take benefit of reservation by switching over from OBC to Scheduled Tribe, and looking to the fact that no evidence was tendered to the effect that the petitioner was not gainfully employed, in my opinion, this is not a fit case to interfere with the impugned orders passed by the Courts below. There is no substance in the petition. Petition dismissed.

JUDGE

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